

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1038

Introduced by McDonald, 41

Read first time January 13, 2004

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to state identification cards; to amend
2 sections 60-490, 60-4,115, 60-4,122, and 60-4,180,
3 Revised Statutes Supplement, 2002, and section 60-4,181,
4 Revised Statutes Supplement, 2003; to provide for state
5 identification cards identifying persons with
6 disabilities; to change fees; to harmonize provisions; to
7 provide an operative date; and to repeal the original
8 sections.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-490, Revised Statutes Supplement,
2 2002, is amended to read:

3 60-490. (1) Except as otherwise provided in subsection
4 (2) or (6) of this section and except for operators' licenses
5 issued to persons less than twenty-one years of age, all operators'
6 licenses issued pursuant to the Motor Vehicle Operator's License
7 Act prior to January 1, 1999, expire on the licensee's birthday in
8 the first year after issuance in which his or her age is divisible
9 by four. An operator's license issued to a person who is less than
10 twenty-one years of age expires on his or her twenty-first
11 birthday.

12 (2) Operators' licenses issued to persons required to use
13 bioptic or telescopic lenses as provided in section 60-4,118 shall
14 expire annually on the licensee's birthday.

15 (3) Except as otherwise provided in subsection (6) of
16 this section and except for state identification cards issued to
17 persons less than twenty-one years of age, all state identification
18 cards issued on or after January 1, 1990, and prior to January 1,
19 1999, expire on the cardholder's birthday in the first year after
20 issuance in which his or her age is divisible by four. Except for
21 state identification cards issued to persons less than twenty-one
22 years of age and except for state identification cards identifying
23 persons with temporary disabilities as provided in section
24 60-4,180, all state identification cards issued on or after January
25 1, 1999, expire on the cardholder's birthday in the fifth year
26 after issuance. A state identification card issued to a person who
27 is less than twenty-one years of age expires on his or her
28 twenty-first birthday, except that beginning on the implementation

1 date designated pursuant to section 60-484.01, a state
2 identification card issued to a person who is less than twenty-one
3 years of age other than state identification cards identifying
4 persons with temporary disabilities expires on his or her
5 twenty-first birthday or on his or her birthday in the fifth year
6 after issuance, whichever comes first. A state identification card
7 identifying a person with a temporary disability expires six months
8 after the date of issuance.

9 (4) Except as otherwise provided in subsection (2) of
10 this section and except for operators' licenses issued to persons
11 less than twenty-one years of age, operators' licenses issued
12 pursuant to the Motor Vehicle Operator's License Act on or after
13 January 1, 1999, expire on the licensee's birthday in the fifth
14 year after issuance. An operator's license issued to a person less
15 than twenty-one years of age expires on his or her twenty-first
16 birthday. Beginning December 1, 2003, the Department of Motor
17 Vehicles shall mail out a renewal notice for each operator's
18 license at least thirty days before the expiration of the
19 operator's license.

20 (5) (a) The expiration date shall be stated on each
21 operator's license or state identification card.

22 (b) All licenses and cards issued to persons who are
23 twenty-one years of age or older which expire under this section
24 may be renewed within a ninety-day period before the expiration
25 date. Any person who is twenty-one years of age or older and who
26 is the holder of a valid operator's license or state identification
27 card may renew his or her license or card prior to the ninety-day
28 period before the expiration date on such license or card if such

1 applicant furnishes proof that he or she will be absent from the
2 state during the ninety-day period prior to such expiration date.

3 (c) A person who is twenty years of age may apply for an
4 operator's license or a state identification card within sixty days
5 prior to his or her twenty-first birthday. The operator's license
6 or state identification card may be issued within ten days prior to
7 such birthday.

8 (d) A person who is under twenty years of age and who
9 holds a state identification card may apply for renewal within a
10 ninety-day period prior to the expiration date.

11 (6) In order to ease the transition to a system of
12 five-year operators' licenses and five-year state identification
13 cards, approximately twenty percent of the number of persons in
14 each county whose operators' licenses or state identification cards
15 expire in the years 1999, 2000, 2001, and 2002 shall have the
16 expiration date of their operators' licenses or state
17 identification cards extended to the year 2003. Such persons shall
18 be chosen at random from a list of persons who are less than
19 sixty-five years of age. Extension stickers for the operators'
20 licenses or state identification cards of such persons shall be
21 designed by the department. Beginning August 1, 1998, the
22 department shall provide notice to and mail out or make available
23 through the examiners of the department the extension stickers to
24 the persons who have had the expiration date of their licenses or
25 cards extended. The fee for each Class O or Class M operator's
26 license or identification card extension sticker shall be three
27 dollars and seventy-five cents per year of extension and the fee
28 for each commercial driver's license extension sticker shall be ten

1 dollars per year of extension. The fee shall be collected by the
2 department and remitted to the State Treasurer. Eight dollars and
3 twenty-five cents of each four-year extension fee, six dollars of
4 each three-year extension fee, three dollars and twenty-five cents
5 of each two-year extension fee, and one dollar of each one-year
6 extension fee shall be credited to the General Fund. All remaining
7 fees shall be credited to the Department of Motor Vehicles Cash
8 Fund. For those persons who have had the expiration date of their
9 operators' licenses or state identification cards extended, the
10 department shall note such extended expiration date on its
11 computerized records. This subsection does not apply to an
12 operator's license or state identification card issued to a person
13 less than twenty-one years of age.

14 Sec. 2. Section 60-4,115, Revised Statutes Supplement,
15 2002, is amended to read:

16 60-4,115. (1) Fees for operator's licenses and state
17 identification cards shall be collected and distributed according
18 to the table in subsection (2) of this section until the
19 implementation date prescribed by the director in section
20 60-484.01, and beginning on such date, such fees shall be collected
21 and distributed according to the table in subsection (3) of this
22 section. County officials shall remit the county portion of the
23 fees collected to the county treasurer for placement in the county
24 general fund. All other fees collected shall be remitted to the
25 State Treasurer for credit to the appropriate fund. The State
26 Treasurer shall transfer an amount equal to three dollars and fifty
27 cents times the number of original or renewal Class M licenses
28 issued pursuant to section 60-4,127 during the previous year from

1 the Department of Motor Vehicles Cash Fund to the Motorcycle Safety
2 Education Fund.

3 (2) The fees provided in this subsection in the following
4 dollar amounts shall apply until the implementation date prescribed
5 by the director in section 60-484.01.

		Department			
		County		of Motor	State
		General		Vehicles	General
Document	Total	Fund	Cash Fund	Fund	
	Fee	Fund	Cash Fund	Fund	
10 State identification card:					
11 Valid for 1 year or less	3.75	2.75	0	1.00	
12 Valid for more than 1 year					
13 but not more than 2 years	7.50	2.75	1.50	3.25	
14 Valid for more than 2 years					
15 but not more than 3 years	11.25	2.75	2.50	6.00	
16 Valid for more than 3 years					
17 but not more than 4 years	15.00	2.75	4.00	8.25	
18 Valid for more than 4 years					
19 for person under 21	18.75	2.75	4.00	12.00	
20 Valid for 5 years	18.75	3.50	5.00	10.25	
21 Duplicate or replacement	6.25	2.75	1.25	2.25	
22 Class O or M operator's license:					
23 Valid for 1 year or less	3.75	2.75	0	1.00	
24 Valid for more than 1 year					
25 but not more than 2 years	7.50	2.75	1.50	3.25	
26 Valid for more than 2 years					
27 but not more than 3 years	11.25	2.75	2.50	6.00	
28 Valid for more than 3 years					

LB 1038			LB 1038		
1	but not more than 4 years	15.00	2.75	4.00	8.25
2	Valid for more than 4 years				
3	for person under 21	18.75	2.75	4.00	12.00
4	Valid for 5 years	18.75	3.50	5.00	10.25
5	Bioptic or telescopic				
6	lens restriction	3.75	2.75	0	1.00
7	Duplicate or replacement	6.25	2.75	1.25	2.25
8	Provisional operator's permit:				
9	Original	10.00	2.75	7.25	0
10	Duplicate or replacement	6.25	2.75	1.25	2.25
11	LPD-learner's permit:				
12	Original	3.00	.25	0	2.75
13	Duplicate or replacement	6.25	2.75	1.25	2.25
14	LPE-learner's permit:				
15	Original	3.00	.25	0	2.75
16	Duplicate or replacement	6.25	2.75	1.25	2.25
17	School permit:				
18	Original	3.00	.25	0	2.75
19	Duplicate	6.25	2.75	1.25	2.25
20	Farm permit:				
21	Original or renewal	5.00	.25	0	4.75
22	Duplicate	5.00	.25	0	4.75
23	Temporary	5.00	.25	0	4.75
24	Driving permits:				
25	Employment	40.00	0	0	40.00
26	Medical hardship	40.00	0	0	40.00
27	Commercial driver's license:				
28	Valid for 1 year or less	14.00	1.75	0	12.25

LB 1038

LB 1038

1	Valid for more than 1 year				
2	but not more than 2 years	22.00	1.75	0	20.25
3	Valid for more than 2 years				
4	but not more than 3 years	32.00	1.75	0	30.25
5	Valid for more than 3 years				
6	but not more than 4 years	40.00	1.75	0	38.25
7	Valid for more than 4 years				
8	for person under 21	50.00	1.75	0	48.25
9	Valid for 5 years	50.00	1.75	0	48.25
10	Duplicate or replacement	6.25	2.75	1.25	2.25
11	Change of class, endorsement,				
12	or restriction	5.00	1.75	0	3.25
13	LPC-learner's permit:				
14	Original or renewal	5.00	.25	0	4.75
15	Duplicate or replacement	5.00	.25	0	4.75
16	Change of class, endorsement,				
17	or restriction	5.00	.25	0	4.75
18	Seasonal permit:				
19	Original or renewal	5.00	.25	0	4.75
20	Duplicate or replacement	5.00	.25	0	4.75
21	Change of class, endorsement,				
22	or restriction	5.00	.25	0	4.75

23 (3) The fees provided in this subsection in the following
 24 dollar amounts shall apply beginning on the implementation date
 25 prescribed by the director in section 60-484.01.

26			Department	
27			County of Motor State	
28	Document	Total	General Vehicles	General

LB 1038

LB 1038

	Fee	Fund	Cash Fund	Fund
1				
2	State identification card:			
3	Valid for 1 year or less	4.75	2.75	1.00 1.00
4	Valid for more than 1 year			
5	but not more than 2 years	9.50	2.75	3.50 3.25
6	Valid for more than 2 years			
7	but not more than 3 years	14.25	2.75	5.50 6.00
8	Valid for more than 3 years			
9	but not more than 4 years	19.00	2.75	8.00 8.25
10	Valid for more than 4 years			
11	for person under 21	23.75	2.75	10.00 11.00
12	Valid for 5 years	23.75	3.50	10.00 10.25
13	Duplicate or replacement	11.25	2.75	6.25 2.25
14	<u>Duplicate or replacement</u>			
15	<u>Valid for 1 year or less</u>	<u>4.75</u>	<u>2.75</u>	<u>1.00 1.00</u>
16	<u>Valid for more than 1 year</u>	<u>11.25</u>	<u>2.75</u>	<u>6.25 2.25</u>
17	Class O or M operator's license:			
18	Valid for 1 year or less	4.75	2.75	1.00 1.00
19	Valid for more than 1 year			
20	but not more than 2 years	9.50	2.75	3.50 3.25
21	Valid for more than 2 years			
22	but not more than 3 years	14.25	2.75	5.50 6.00
23	Valid for more than 3 years			
24	but not more than 4 years	19.00	2.75	8.00 8.25
25	Valid for 5 years	23.75	3.50	10.00 10.25
26	Bioptic or telescopic			
27	lens restriction	4.75	0	4.75 0
28	Duplicate or replacement	11.25	2.75	6.25 2.25

LB 1038			LB 1038		
1	Change of class or				
2	restriction	5.00	0	5.00	0
3	Provisional operator's permit:				
4	Original	15.00	2.75	12.25	0
5	Bioptic or telescopic				
6	lens restriction	4.75	0	4.75	0
7	Duplicate or replacement	11.25	2.75	6.25	2.25
8	LPD-learner's permit:				
9	Original	8.00	.25	5.00	2.75
10	Duplicate or replacement	11.25	2.75	6.25	2.25
11	LPE-learner's permit:				
12	Original	8.00	.25	5.00	2.75
13	Duplicate or replacement	11.25	2.75	6.25	2.25
14	School permit:				
15	Original	8.00	.25	5.00	2.75
16	Duplicate	11.25	2.75	6.25	2.25
17	Farm permit:				
18	Original or renewal	5.00	.25	0	4.75
19	Duplicate	5.00	.25	0	4.75
20	Temporary	5.00	.25	0	4.75
21	Driving permits:				
22	Employment	45.00	0	5.00	40.00
23	Medical hardship	45.00	0	5.00	40.00
24	Commercial driver's license:				
25	Valid for 1 year or less	11.00	1.75	5.00	4.25
26	Valid for more than 1 year				
27	but not more than 2 years	22.00	1.75	5.00	15.25
28	Valid for more than 2 years				

LB 1038

LB 1038

1	but not more than 3 years	33.00	1.75	5.00	26.25
2	Valid for more than 3 years				
3	but not more than 4 years	44.00	1.75	5.00	37.25
4	Valid for 5 years	55.00	1.75	5.00	48.25
5	Bioptic or telescopic				
6	lens restriction	11.00	1.75	5.00	4.25
7	Duplicate or replacement	11.25	2.75	6.25	2.25
8	Change of class, endorsement,				
9	or restriction	10.00	1.75	5.00	3.25
10	LPC-learner's permit:				
11	Original or renewal	10.00	.25	5.00	4.75
12	Duplicate or replacement	10.00	.25	5.00	4.75
13	Change of class, endorsement,				
14	or restriction	10.00	.25	5.00	4.75
15	Seasonal permit:				
16	Original or renewal	10.00	.25	5.00	4.75
17	Duplicate or replacement	10.00	.25	5.00	4.75
18	Change of class, endorsement,				
19	or restriction	10.00	.25	5.00	4.75

20 (4) Beginning on the implementation date prescribed by
 21 the director in section 60-484.01, if the Department of Motor
 22 Vehicles issues an operator's license or a state identification
 23 card, the department shall remit the county portion of the fees to
 24 the State Treasurer for credit to the Department of Motor Vehicles
 25 Cash Fund.

26 Sec. 3. Section 60-4,122, Revised Statutes Supplement,
 27 2002, is amended to read:

28 60-4,122. (1) Except as otherwise provided in

1 subsections (2), (3), and (8) of this section, no original or
2 renewal operator's license shall be issued to any person until such
3 person has appeared before an examiner to demonstrate his or her
4 ability to operate a motor vehicle safely as provided in section
5 60-4,114.

6 (2) Except as otherwise provided in this section and
7 section 60-4,127, any person who renews his or her Class O or Class
8 M license shall appear before an examiner to demonstrate his or her
9 ability to drive and maneuver a motor vehicle safely as provided in
10 subdivision (3)(b) of section 60-4,114 only at the discretion of
11 the examiner, except that a person required to use bioptic or
12 telescopic lenses shall be required to demonstrate his or her
13 ability to drive and maneuver a motor vehicle safely each time he
14 or she renews his or her license.

15 (3) Any person who renews his or her Class O or Class M
16 license prior to or within one year after its expiration shall not
17 be required to demonstrate his or her knowledge of the motor
18 vehicle laws of this state as provided in subdivision (3)(c) of
19 section 60-4,114 if his or her driving record abstract maintained
20 in the computerized records of the Department of Motor Vehicles
21 shows that such person's license is not suspended, revoked, or
22 canceled.

23 (4) Except for operators' licenses issued to persons
24 required to use bioptic or telescopic lenses, any person who renews
25 his or her operator's license which has been valid for fifteen
26 months or less shall not be required to take any examination
27 required under section 60-4,114.

28 (5) Any person who renews a state identification card

1 shall appear before an examiner and present his or her current
2 state identification card or shall follow the procedure for
3 electronic renewal in subsection (9) of this section. The
4 examining officer, upon examination of the card, may require one
5 additional form of proof of identification described in section
6 60-484. For renewal of a state identification card identifying a
7 person with disabilities, the examining officer shall require the
8 same verification as required for initial issuance as described in
9 section 60-4,180.

10 (6) A nonresident who applies for an initial operator's
11 license in this state and who holds a valid operator's license from
12 another state which is his or her state of residence shall not be
13 required to demonstrate his or her knowledge of the motor vehicle
14 laws of this state if he or she surrenders to the examiner his or
15 her valid out-of-state operator's license.

16 (7) An applicant for an original operator's license shall
17 not be required to demonstrate his or her knowledge of the motor
18 vehicle laws of this state if he or she surrenders to the examiner
19 his or her Nebraska LPD-learner's permit issued after January 1,
20 1999, and such permit is valid or has expired no more than one year
21 prior to surrender. The written examination shall not be waived if
22 the original operator's license being applied for contains a class
23 or endorsement which is different from the class or endorsement of
24 the Nebraska LPD-learner's permit.

25 (8) A qualified licensee as determined by the department
26 who is twenty-one years of age or older and less than sixty-five
27 years of age and who has a digital image and digital signature
28 preserved in the digital system may renew his or her Class O or

1 Class M license once by electronic means in a manner prescribed by
2 the department using the preserved digital image and digital
3 signature without taking any examination required under section
4 60-4,114 if such renewal is prior to or within one year after the
5 expiration of the license and if his or her driving record abstract
6 maintained in the records of the department shows that such
7 person's license is not suspended, revoked, or canceled. Every
8 licensee must apply for renewal in person at least once every ten
9 years and have a new digital image and digital signature taken.

10 (9) Any person who is twenty-one years of age or older
11 and who has been issued a state identification card with a digital
12 image and digital signature other than a state identification card
13 identifying a person with disabilities may electronically renew his
14 or her state identification card once by electronic means in a
15 manner prescribed by the department using the preserved digital
16 image and digital signature.

17 Sec. 4. Section 60-4,180, Revised Statutes Supplement,
18 2002, is amended to read:

19 60-4,180. (1) For purposes of this section and section
20 60-4,181:

21 (a) Disability means physical, mental, or neurological
22 impairment which severely restricts a person's mobility, manual
23 dexterity, or ability to climb stairs; substantial loss of sight or
24 hearing; loss of one or more limbs or the use thereof; or
25 significantly diminished reasoning capacity;

26 (b) Permanent disability means any disability which is
27 permanent in nature or which is expected to continue for a period
28 of at least five years;

1 (c) Person with disabilities means any person with a
2 permanent or temporary disability; and

3 (d) Temporary disability means any disability which is
4 expected to continue for at least six months but less than five
5 years.

6 (2) Any person who is a resident of this state may obtain
7 a state identification card with a color photograph or digital
8 image of the person included. State identification cards shall be
9 issued in the manner provided in this section and section 60-4,181.
10 Any identification card issued under prior law prior to January 1,
11 1990, shall be invalid after such date.

12 (3) Any person with disabilities who is a resident of
13 this state may apply for a state identification card with the
14 international handicapped symbol identifying that person as having
15 a permanent or temporary disability. The Department of Motor
16 Vehicles shall issue such cards to persons:

17 (a) With obvious permanent disability without further
18 verification of disability;

19 (b) With disabilities which are not obvious, upon
20 presentation of a sworn affidavit from a physician attesting to
21 such permanent disability as prescribed by the department; and

22 (c) With a temporary disability upon presentation of a
23 sworn affidavit of a physician attesting to such disability and
24 estimating the duration of such disability as prescribed by the
25 department.

26 (4) A state identification card identifying a person with
27 disabilities shall serve as adequate documentation of disability
28 and certify the condition of the cardholder whenever any state law

1 requires that a person with disabilities provide documentation of
2 disability to a state department or agency. A state department or
3 agency shall not require any additional sworn affidavits from a
4 physician if a person holds such a card valid at the time of
5 presentment. If the disability of a person holding such a card
6 changes, the person shall notify the department within sixty days
7 of the change on forms prescribed by the department.

8 Sec. 5. Section 60-4,181, Revised Statutes Supplement,
9 2003, is amended to read:

10 60-4,181. (1) A state identification card shall be
11 issued by the county treasurer after the person requesting the card
12 (a) files an application or examiner's certificate with an
13 examining officer, (b) furnishes two forms of proof of
14 identification described in section 60-484, and (c) pays the fee
15 prescribed in section 60-4,115 to the county treasurer. The state
16 identification card shall contain the organ and tissue donor
17 information specified in section 60-494 and the international
18 handicapped symbol for cards identifying persons with disabilities,
19 if applicable.

20 (2) The application or examiner's certificate shall
21 include the name, age, post office address, place of residence
22 unless the applicant is a program participant under the Address
23 Confidentiality Act, date of birth, sex, social security number,
24 and physical description of the applicant, the voter registration
25 portion pursuant to section 32-308, and the following:

26 (a) Do you wish to register to vote as part of this
27 application process?

28 (b) Do you wish to be an organ and tissue donor?

1 (c) Do you wish to receive any additional specific
2 information regarding organ and tissue donation?

3 (d) Do you wish to donate \$1 to promote the Organ and
4 Tissue Donor Awareness and Education Fund?

5 (3) The director may summarily cancel any state
6 identification card, and any judge or magistrate may order a state
7 identification card canceled in a judgment of conviction, if the
8 application or examiner's certificate for the card contains any
9 false or fraudulent statements which were deliberately and
10 knowingly made as to any matter material to the issuance of the
11 card or if the application or examiner's certificate does not
12 contain required or correct information. Any state identification
13 card so obtained shall be void from the date of issuance. Any
14 judgment of conviction ordering cancellation of a state
15 identification card shall be transmitted to the director who shall
16 cancel the card.

17 (4) Machine-readable information encoded on a state
18 identification card shall be limited to the information appearing
19 on the face of the card.

20 Sec. 6. This act becomes operative on January 1, 2005.

21 Sec. 7. Original sections 60-490, 60-4,115, 60-4,122,
22 and 60-4,180, Revised Statutes Supplement, 2002, and section
23 60-4,181, Revised Statutes Supplement, 2003, are repealed.